

REGULAR CITY COUNCIL MEETING  
SEPTEMBER 29, 1986

PRESENT

Ruth Hansen  
Craig Greathouse  
David Church  
Neil Dutson  
Gayle Bunker

Mayor  
Council Member  
Council Member  
Council Member  
Council Member

ABSENT

Don Dafoe

Council Member

OTHERS PRESENT

Jim Allan  
Dorothy Jeffery  
Warren Peterson  
Richard Waddingham  
Neil Forster  
Max Wood  
Virginia Taylor  
Susan Callister  
Lyndon Callister  
John Quick  
Rex Day  
Bryce Ashby  
Roger Young  
Martin Ludwig  
Kenneth Topham

City Manager  
City Recorder  
City Attorney  
Deputy City Attorney  
Public Works Director  
Parks & Recreation Director  
City Clerk  
Assistant Recorder  
Resident  
City Engineer  
Rancho Mobile Home Park  
Delta City Fire Chief  
Chief of Police  
City Resident  
Millard School District  
KNAK  
State JayCees President  
Delta JayCees President

Mayor Ruth Hansen called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Hansen stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

The proposed minutes of a regular City Council meeting held September 8, 1986, were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Neil Dutson MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member David Church. Mayor Hansen asked if there were any further comments or

questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

#### ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member David Church MOVED that the accounts payable be approved for payment as listed, in the amount of \$167,560.93. Council Member Neil Dutson SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

#### REX DAY: RANCHO MOBILE HOME PARK PROPOSAL

Mayor Hansen asked Rex Day, representing Rancho Mobile Home Park Partnership, to present his proposal to the Council.

Mr. Day requested that Delta City provide materials and labor to install a sprinkler system and to plant lawn seed in the existing Rancho Mobile Home Park. In return for the City installing the sprinkling system, Mr. Day proposed that Rex Day and Associates maintain and operate the park for six years until Mr. Day's lease expires with Rancho Mobile Home Park Partnership.

Mr. Day said that the park is not useable at this time because of the weeds growing within the park.

Following a brief discussion, Council Member David Church MOVED to table Rex Day's proposal to allow time for further review until the next regular City Council meeting. The motion was SECONDED by Council Member Craig Greathouse. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

#### MAX WOOD: BID SPECIFICATIONS FOR 3 GANG MOWER & FOUR WHEELER

Mayor Hansen asked Parks & Recreation Director Max Wood to review with the Council specifications for a 3 gang lawnmower and a "four wheeler" motorcycle to be used in the Parks and Recreation Department.

Parks & Recreation Director Max Wood presented a list of specifications for a "3 gang" mower and a four wheeler. Mr. Wood reviewed the bid specifications in detail with the Council. He said that \$8,500 has been budgeted for the purchase of this equipment.

Following a brief discussion, Council Member Neil Dutson MOVED to authorize Parks & Recreation Director Max Wood to advertise for bid the specifications as presented for a lawn mower and a four wheeler. The motion was SECONDED by Council Member David Church.

Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

JOHN QUICK: STATUS REPORT ON OPEN DRAIN ENCLOSURE PROJECT -  
PROJECT EXPANSION OPTIONS TO BE FUNDED BY EXCESS FUNDS

Mayor Hansen asked City Engineer John Quick to review with the Council the status of the Open Drain Enclosure Project.

City Engineer John Quick said that Rolfe Construction has estimated completion of the entire Open Drain Enclosure Project, except for the canal crossing, by October 18, 1986. Rolfe Construction will return after the deer hunt and finish the canal crossing portion of the project.

Mr. Quick said that there is excess money left over from the Open Drain Enclosure Project and that he has discussed with Rolfe Construction the possibility of doing additional work on the project. Mr. Quick said that Rolfe Construction is willing to do additional work and could begin when they return to do the canal crossing.

Mr. Quick explained that the total budget for the project is \$299,831.00 and the amount of money spent on the project is \$233,322.00, leaving the amount of cash available \$66,509.

Mr. Quick then explained options in which the excess money could be spent on the Open Drain Enclosure Project. They are as follows:

OPTION 1:

Complete 200 South system and as much of N-S line as possible from Main Street.

200 South =	880' 24" @ (15.75 + 15.25)	=	27,280.00
	2 C.O.'s @ 1,691	=	3,382.00
	Additional gravel	=	<u>500.00</u>
			31,162.00

Schedule No. 6:

1206' L.F. 36" pipe and 3 C.O.'s  
Try 500 L.F. and 1 C.O.

500' 36" @ (20.00 + 32.50)	=	26,250.00
1 C.O. @ 1,691	=	1,691.00
Additional gravel	=	<u>1,000.00</u>
		28,941.00

Engineering:

880' + 500' = 1430'  $\approx$  10 days construction

Design	=	-0-
Stakeout	=	800.00
Inspection	=	3,000.00
Contract Admin.	=	<u>500.00</u>
		4,300.00

Total Costs:

\$64,403.00

Additional footage =  $\frac{66,509 - 64,403}{54.50}$  = 38 feet

OPTION 2:

Complete Schedule No. 6

1206' 36" @ (52.50)	=	\$63,315.00
3 C.O.'s @ 1,691	=	5,073.00
Additional gravel	=	2,000.00
Engineering	=	<u>4,000.00</u>

TOTAL \$74,388.00

OPTION 3:

Provide fill material in swale locations:  
'2' x 50' = 3.7 yd<sup>3</sup>, 1 foot of swale

Schedule No. 5 = 2775 yd<sup>3</sup>

Mr. Quick also suggested another option of filling in the swale that has been created between U.S. Highway 6 and U.S. Highway 50 at about 550 East Main.

After considering each of the options, the City Council members concurred that Option No. 1 should be completed. Mr. Quick said that he would prepare a change order extending the completion time of the Open Drain Enclosure Project and approving Option No. 1. for Council's approval at the next regular City Council meeting.

Following further discussion, Council Member Neil Dutson MOVED to use the excess funds in the amount of \$66,509 to complete Option No. 1 of the Open Drain Enclosure Project. Council Member David Church SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

NEIL FORSTER: STATUS REPORT ON AVAILABILITY OF SEWER CONNECTION FOR JOE FULLMER

Mayor Hansen asked Public Works Director Neil Forster to review with the Council the status of a sewer connection for Joe Fullmer.

Public Works Director Neil Forster said that Mayor Hansen had requested that sewer line elevation and sewer service availability be determined for a sewer connection at the Joe Fullmer residence at 100 East 350 North. Mr. Forster said that a sewer can not be placed deep enough to run a sewer line through the Fullmer's front yard, and to run a sewer line through the back yard would require an easement across private property, which is not permitted under present City standards. The City Council discussed options available for providing sewer service to the Fullmer residence. Options discussed included installing a lift station for that area, changing the City standards regarding use of easement across private property and requesting that Fullmers continue on a private septic system.

Mr. Forster said he would speak to Mr. & Mrs. Fullmer regarding a proposal for an easement.

There was no Council action taken at this time.

NEIL FORSTER: 3/4 TON PICKUP TRUCK BIDS

Mayor Hansen asked Public Works Director Neil Forster to review bids received for a 3/4 ton pickup truck.

Public Works Director Neil Forster said that three bids were received for a 3/4 ton pickup truck to be used in the Public Works Department and presented a copy of bid quotations from each dealer to the Council. The apparent low bidder was Keith Dalton Motors in the amount of \$11,177.60.

Mr. Forster said that \$10,500 was budgeted for the purchase of a pickup and \$1,000 was budgeted for a radio. With savings on other purchases within the department, there will be enough budgeted money to cover the cost of the truck, he said.

Following a brief discussion, Council Member Craig Greathouse MOVED to award Keith Dalton Motors the bid for the 3/4 Ton Pickup truck in the amount of \$11,177.60. Council Member Gayle Bunker SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

FIRE CHIEF BRYCE ASHBY: DEPARTMENTAL REPORT

Mayor Hansen asked Fire Chief Bryce Ashby to review with the Council the status of the Delta City Fire Department.

Fire Chief Bryce Ashby said that from January through August 1986, the Fire Department has received 67 fire calls, 26 within Delta City and 41 outside Delta City limits. Mr. Ashby said fewer calls are being made to the Delta City Fire Department for fires outside Delta City due to smaller towns purchasing their own fire equipment. He also said that 12 public building inspections and 22 business license inspections have been made.

Chief Ashby said that there are presently 23 men in the Fire Department, with four more applicants being considered. He reported that there are 7 fire units (or vehicles) all in very good running condition. He also said that the Fire Department has received and are using new paging units, which have improved their response time by 25%.

Chief Ashby said that "Fire Prevention Week" is from October 6th through October 12th and the Department will be working to educate students in the elementary schools about fire safety. Chief Ashby presented a proclamation for Mayor Hansen to sign designating October 6-12th "Fire Prevention Week".

In conclusion, Chief Ashby reported that there has not been any major fire loss in Delta City over the past year.

Council Member David Church complimented Chief Ashby and the Fire Department on all that they have done and the fine job that they are now doing.

CHIEF ROGER YOUNG/ATTORNEY WARREN PETERSON: ORDINANCE ADOPTING PARKING AND MOTOR VEHICLE REGULATIONS FOR SCHOOL PROPERTY

Mayor Hansen asked Attorney Warren Peterson and Chief of Police Roger Young to review with the Council an ordinance adopting parking and motor vehicle regulations for school property. Chief Young said the ordinance would be used to assist the school with parking and traffic control, especially at Delta High School.

Attorney Peterson said that the City cannot enforce most traffic and parking regulations on school property without adoption of a special ordinance. He said that the Millard School District has requested assistance from the City in enforcing parking and traffic regulations at the Delta High School, requiring adoption of such an ordinance.

Attorney Peterson said the procedure required by state law is for the City to adopt an ordinance to enforce parking and traffic, etc. on school property after consultation with the Millard School District. After an ordinance is adopted, a copy has to be given to each student and faculty member at the beginning of each school year. Attorney Peterson said that this procedure was not followed for this school year, but said an ordinance should be prepared for the next school year if the City police are to assist with traffic and parking at the schools.

Mr. Peterson said that he felt this request should be reviewed by the City Council since it requires two things from the City. First, the adoption of an ordinance; Second, that the City Police be allowed to enforce traffic on school property. Council Member Church expressed concern that parking enforcement through an ordinance imposing criminal penalties should be reviewed very carefully.

Mayor Hansen recognized Superintendent Kenneth Topham of the Millard School District and asked for his comments.

Mr. Topham said there is a problem with drivers parking at the south entrance at the Delta High School. He said that the curb is painted red, which designates "No Parking", but is constantly ignored. Mr. Topham asked for direction in handling this problem. Council Member David Church suggested that the curb be painted designating a "FIRE ZONE". Mr. Topham said that he would again talk to Delta High Principal Bart Simmons regarding the proposed action, but said that he felt that the "FIRE ZONE" would help control the problem for the present year. Mr. Topham suggested that a proposed ordinance be prepared for review and approval for the 1987 school year.

The Council instructed that a "fire zone" ordinance be prepared by the City attorney for review by the Council, with the ordinance to have application throughout the City. There was no further Council action taken at this time.

ATTORNEY WARREN PETERSON: AGREEMENT FOR STATE ADMINISTRATION OF LOCAL SALES AND USE TAX

Mayor Hansen asked Attorney Warren Peterson to review with the Council a proposed agreement for State Administration of Local Sales and Use Tax.

Attorney Warren Peterson reviewed a proposed agreement for State Administration of Local Sales and Use Tax with the Council. The



Council reviewed the proposed agreement in detail and proposed corrections.

Following discussion, Council Member David Church MOVED to approve the agreement for State Administration of Local Sales and Use Tax as amended with instruction for City Manager Jim Allan to negotiate a lower percentage as the State's fee for collection. The motion was SECONDED by Council Member Gayle Bunker. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

ATTORNEY WARREN PETERSON: PROPOSED INCREASE IN FINES FOR CRIMINAL CASES

Mayor Hansen asked Attorney Warren Peterson to review a proposal to increase fines for criminal cases. Attorney Peterson said that the State Legislature has increased the fines for various crimes and the increase went into effect July 1, 1986. He said that City Ordinances have not yet been adopted to provide for increased fines in Delta City.

Attorney Peterson reviewed Section 76-3-301, Utah Code Annotated (1953), suppl 1986; entitled "Fines of persons" with the Council and said that if the Council wants to increase the fines, he will prepare an ordinance increasing fines and fees for class B misdemeanors from \$299 to \$1,000 and class C misdemeanors and infractions from \$299.00 to \$500. Also Section 76-3-302, U.C.A., entitled "Fines of corporations, associations, partnerships, or government instrumentalities" increase the fine for a class B misdemeanor from \$299 to \$5,000 and a class C misdemeanor or infraction from \$299 to \$1,000.

Following discussion, Council Member Neil Dutson MOVED to authorize Attorney Peterson to draft an ordinance increasing fines and fees for criminal cases. Council Member Gayle Bunker SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

CITY MANAGER JIM ALLAN: SANDHILL ROAD PAYMENT REQUEST FROM MILLARD COUNTY

Mayor Hansen asked City Manager Jim Allan to review with the Council a payment request received from Millard County for the Sandhill Road Project.

City Manager Jim Allan reviewed with the Council a bill in the amount of \$42,196.70 from Leland J. Roper, Supervisor of the Millard County Road Department, regarding the Cemetery Road project.

Mr. Allan said that he has reviewed the bill with Mr. Roper and Commissioner Warren Jensen. Mr. Jensen said that the amount

billed was correct and said that he felt that the contractual amount of \$41,784. that was agreed upon should be paid by Delta City. Mr. Allan reminded the Council that the total amount of the project was not to exceed a total of \$41,784 and asked the Council if they would accept the bill from Millard County for work done on the Cemetery Road.

The Council reviewed the bill and the Cemetery Road project after which Council Member Craig Greathouse suggested that Jim Allan, Commissioner Warren Jensen and Mayor Hansen meet and discuss the bill from Millard County prior to payment.

OTHER BUSINESS:

Mayor Hansen asked if there were any further comments or questions or items to be discussed.


Mayor Hansen asked if the Council would support enforcement procedures regarding the abandoned vehicle and nuisance ordinance. They Council agreed to support the Mayor in this action.

Mayor Hansen recognized the State JayCees President and asked him to address the Council. The JayCees President presented Mayor Hansen a charter membership plaque from the Delta JayCees. Mayor Hansen thanked them for the presentation and offered support to the JayCees.

Mayor Hansen also asked if the Council would like to designate weeks of each month to hold City Council Meeting. Council Member Neil Dutson MOVED to hold regular City Council meetings on the second and fourth Monday of each month, at the discretion of the Mayor if there is not sufficient business to hold weekly meetings as provided in the City ordinances. If one of those Mondays falls on a legal holiday, the Council will meet on the following Monday. The motion was SECONDED by Council Member Craig Greathouse.

Mayor Hansen asked if there were any further comments or questions or items to be discussed. There being none, Council Member Neil Dutson MOVED to adjourn. The motion was SECONDED by Council Member David Church. Mayor Hansen declared the meeting adjourned at 9:40 p.m.

  
RUTH HANSEN, Mayor

  
DOROTHY JEFFERY  
Delta City Recorder